

CALFED Program Oversight
Discussion Outline
March 8, 1999

Mission for CALFED Program Oversight

Provide CALFED Program oversight and policy guidance. (Phase II Report language)

Principles

- No impairment of existing agency regulatory authority;
- High level of efficiency in decision making;
- Minimize opportunities for conflict; maximize flow of communication and information.

Functions

1. Oversight of CALFED program implementation

- Develop policies and make decisions as needed in order to:
 - achieve CALFED program goals and objectives;
 - provide overall program direction;
 - provide for balanced implementation and continuous improvement in all program areas;
 - ensure close coordination of linked/bundled actions and program.(To the extent such policies and decisions are not provided at the programmatic level at the time of the ROD, the oversight entity would have a larger role in policy development and decisions during program implementation)
- Assess overall achievement of CALFED goals and objectives;
- Review progress reports provided by implementation entities which assess the progress of achieving performance objectives and standards;
- Make decisions about linkages, conditions and triggers and decide when CALFED Program can move into next stage or proceed with next set of bundled actions;
- Manage processes for reviewing, and if necessary modification, of program goals and objectives. Modification of goals and objectives would be done in coordination with implementing entities.

2. Budget review and prioritization of CALFED program budgets

Review and approve budgets/priorities proposed by implementation entities to ensure balanced implementation, coordination of actions and reflection of current policies. Implementation entities direct the priorities at the individual program level, overall entity provides balance and coordination between implementation programs.

3. Coordination of related programs
Coordination of the CALFED Program with other related programs as needed to ensure achievement of CALFED goals and objectives and to reduce conflicts with other programs.
4. Stakeholder Communication
Provide forum for stakeholder input into the overall CALFED program. Implementing entities would maintain stakeholder communications as well.
5. Legislative Coordination
Provide progress reports to Congress and Legislature; Provide coordination of legislative proposals from CALFED implementing agencies.
6. Conflict/dispute resolution process
Provide forum for disputes among agencies over program and project implementation conflicts; provide contingency response decision making when necessary.

Oversight Options

1. Maintain existing Policy Group structure and extend Framework Agreement
 - Program oversight functions are performed substantially as they are now, through the informal structure of the CALFED Policy Group.
 - No agency is required to cede or delegate any existing authority.
 - Inter-agency water operations coordination would continue to be handled through informal arrangements such as the CALFED Ops Group.
 - This alternative might not require any legislation and could be provided by and agreed to in an inter-agency memorandum of agreement (MOA).
 - Stakeholder input is provided through an advisory body such as BDAC.
2. Formalize existing CALFED agency structure (JPA with Federal MOU)
 - Three agreements needed--A formal arrangement is established among the state CALFED agencies through a joint powers agreement (JPA), or similar legal instrument, an MOU among the federal agencies; and another MOU between the federal agencies and the State JPA.
 - The California agencies' joint powers agreement would delegate authority from the parent agencies to carry out the necessary oversight functions (e.g. policy direction, funding priorities, inter-agency coordination, conflict resolution, etc.). The state JPA would be governed by a Board of Directors, appointed (presumably) by the Governor or Secretary for Resources. The precise composition of the Board, the number of members, the specific agencies to be represented, and the procedures to be used would be spelled out in the joint powers agreement, presumably as a result of state interagency negotiation, or by direction of the Governor.

- No federal legislation required; state legislation might be required if the state JPA were to have any authority beyond the authority of the parent agencies or if powers or duties were to be shifted from a parent agency to the JPA.
- The stakeholder role would be advisory in capacity, based on the BDAC model.

3. New Joint Entity (agency, commission, board, public corporation) for Program Oversight

- A new joint state/federal entity would be created to oversee and govern the CALFED Bay Delta Program. State and federal legislation would be required to create such an entity.
- The entity could be established through a federal compact or through a public corporation.
- Appointed members of the board would be representatives of state and federal agencies, and public members

(A variation on this alternative is to create a new state entity and federal participation would be through an MOA. The new state entity would have basic authorities to allow for efficient program administration such as receiving direct state appropriations, hiring staff, and issuing contracts)